

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Emilio Cabrera Jr.

Principal

Case Number:

YOB: 1997

United States

M-19-2411 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 3, 2019 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Bryan Brito-Delgado, a citizen and national of Ecuador, and Elmer Ramirez-Mendez, a citizen and national of Guatemala, along with twelve (12) other undocumented aliens, for a total of fourteen(14), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to wit: a residence in Edinburg, Texas

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

On October 1, 2019, Border Patrol Agents received information of a residence possibly being used to harbor undocumented aliens in Edinburg, Texas. Upon research it was revealed that Border Patrol Agents encountered illegal aliens being harbored at the same location in the past. On October 2, 2019 Agents initiated surveillance of the residence.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on October 5, 2019.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Ernie E. Bergollo

Signature of Complainant

Ernie E. Bergollo Border Patrol Agent

Printed Name of Complainant

October 5, 2019 @ 12:55 p.m.
Date

at

McAllen, Texas
City and State

Juan F. Alanis U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-2411 -M

RE: Emilio Cabrera Jr.

CONTINUATION:

While performing surveillance, agents observed a white in color Chevrolet Malibu arrive to the residence, driven by a heavy set male subject. The subject exited the vehicle, walked towards the residence, and then turned and spoke to an individual in the passenger seat of the vehicle. The passenger exited the vehicle and entered the residence.

On October 3, 2019, Agents observed the heavy set subject carrying several black plastic bags and water jugs into the residence. After a few minutes the subject departed the residence in the white Malibu. A Hidalgo County Constable Office (HCCO) Deputy conducted a traffic stop on the Malibu for failure to stop at a designated point. The Agents approached the driver, later identified as Emilio CABRERA Jr, a United States citizen. The Agents identified themselves as Border Patrol Agents and conducted a brief field interview regarding the possible stash house.

Agents questioned CABRERA regarding his suspected involvement in alien smuggling to which CABRERA voluntarily stated that he was in fact harboring fourteen (14) illegal aliens at the house. CABRERA was then read his Miranda Rights and placed under arrest. CABRERA waived his rights to an attorney and agreed to answer the questions. CABRERA stated that he had just dropped off supplies for the illegal aliens because they were about to get picked up to be transported north to circumvent the checkpoint. Agents ask Cabrera for consent to search the residence and Cabrera granted verbal and written consent.

Agents, along with a HCCO Deputy, returned to the house and made entry through the unlocked front door. Agents identified themselves as Border Patrol Agents and encountered a total of fourteen (14) subjects in the house. An immigration inspection was conducted on all fourteen (14) subjects and all admitted to being illegally present in the United States. Some subjects freely stated that the caretaker who was driving a white sedan, had just departed from the location minutes before law enforcement arrived. They physically described the male caretaker as being short, heavy set, having a beard, and wearing a blue shirt, matching the description of Emilio CABRERA Jr. They stated that before departing, CABRERA handed them their cellular phones and advised them that they were about to get picked up and taken north and also provided them with food and water.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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RE: Emilio Cabrera Jr.

CONTINUATION:

PRINCIPAL STATEMENT:

Emilio CABRERA Jr. was read his Miranda Rights, he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

CABRERA stated that he has been transporting and harboring illegal aliens to that stash house for the past two (2) months and would get paid fifty dollars (\$50) per alien. CABRERA also stated that he would drop off food to the illegal aliens and would spend the night and sleep at the stash house. CABRERA claimed that he would tell the illegal aliens that they were free to eat when they wanted. CABRERA indicated that a friend from Mexico got him into alien smuggling.

MATERIAL WITNESSES STATEMENTS:

Bryan Patricio BRITO-Delgado and Elmer RAMIREZ-Mendez were read their Miranda Rights. They both understood their rights and each provided a statement.

BRITO, a citizen of Ecuador, stated that he entered the United States on September 30, 2019 along with ten (10) other subjects including two (2) guides. BRITO was instructed to call a number that belonged to the lead driver. BRITO stated that him and five (5) other illegal aliens were picked up by an unknown male in a silver sedan and were taken to a warehouse near La Joya, Texas. BRITO stated an unknown male subject picked him up and drove him to a shopping plaza in McAllen, Texas.

BRITO stated he was picked up at the plaza by another male, later identified as Emilio CABRERA Jr., driving a white sedan. BRITO indicated that CABRERA transported him to the house he was arrested at, and once they arrived to the stash house, CABRERA instructed him to give him his cellular phone. BRITO claimed that CABRERA told him he would give him back his cellular phone once they smuggled him north. BRITO stated that CABRERA instructed him and the other illegal aliens to not go outside the house. BRITO stated CABRERA was the caretaker and would bring food and water to the house.

BRITO claimed that he was going to pay a total of \$12,000 to be smuggled into the United States. BRITO already paid \$5,000 upfront.

BRITO identified CABRERA, through a photo lineup, as the man who picked him up at the shopping plaza and the caretaker at the stash house where he was arrested.

**UNITED STATES DISTRICT COURT
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CONTINUATION:

RAMIREZ, a citizen of Guatemala, claimed that he entered the United States on September 30, 2019 by raft. RAMIREZ stated that was going to pay a total of \$14,000 to be smuggled into the United States and he already paid \$5,000 upfront.

Ramirez stated that his group of five (5) entered the United States and was picked up by a load vehicle, being driven a female. Ramirez stated that the group was being distributed to the appointed stash houses according to passwords and nicknames given.

RAMIREZ mentioned that the female driver took him to a Walmart, at which point he was transferred into a white Chevy Malibu driven by a male subject, later identified as Emilio Cabrera Jr. RAMIREZ described the male driver as being short, dark skinned, chubby and having a beard. RAMIREZ stated that after he was transferred into the vehicle they proceeded to a stash house where he witnessed the driver pick up another female illegal alien. After picking up the female, they departed the area and were transported to the stash house where he was apprehended in.

RAMIREZ claimed that upon arrival to the stash house the gate to the property was closed and the driver opened the gate himself and then proceeded to drive into property. RAMIREZ stated the load driver collected his phone and the female's phone and placed them into a bag.

RAMIREZ stated that the driver escorted them inside where a group of eleven (11) people were already inside the stash house. RAMIREZ stated that the driver dropped off food twice in three days.

RAMIREZ stated the last time he saw the driver, he brought food and water to the stash house for their travels. RAMIREZ mentioned that the driver identified and separated eleven (11) individuals designated to travel north. RAMIREZ claimed the driver instructed them to get their property together and begin to get ready for a truck that would soon be arriving to take them north.

RAMIREZ identified CABRERA, through a photo lineup, as the person who received him at the body transfer at Wal Mart and took him to the stash house. RAMIREZ also identified CABRERA as the person that gave them instructions, took his phone away and provided food.